



## DEPARTMENT OF HEALTH & HUMAN SERVICES

Centers for Medicare & Medicaid Services

7500 Security Boulevard  
Baltimore, MD 21244-1850

**Ref: S&C-02-17**

**DATE:** February 1, 2002

**FROM:** Director  
Office of Clinical Standards and Quality

Director  
Survey and Certification Group  
Center for Medicaid and State Operations

**SUBJECT:** Completion of Minimum Data Set (MDS) in Critical  
Access Hospitals (CAHs)

**TO:** Associate Regional Administrators, DMSO  
State Survey Agency Directors

The purpose of this memorandum is to notify states and regional offices of a change in enforcing the Minimum Data Set (MDS) requirement for CAHs with swing-beds. The regulations at 42 CFR, section 485.645 provide that in order for a CAH to use its beds to provide post-hospital skilled nursing facility (SNF) care, it must be in "substantial compliance" with nine SNF requirements contained in 42 CFR, section 483, subpart B. Included in those regulations are requirements for CAHs to complete the full MDS as part of their assessment of patients in CAH swing-beds.

We have analyzed the current significance of this requirement and concluded that the MDS compliance burden on these small facilities can be reduced without jeopardizing patient health and safety. CMS will consider CAH facilities that meet all but the MDS SNF requirements to be in substantial compliance with the CAH swing-bed regulations.

We will still require CAHs to complete a resident assessment and a comprehensive care plan for each SNF patient and document the assessment in the medical record. However, we will not require CAHs to use the MDS instrument for the resident assessments.

**Effective Date:** This enforcement policy change is effective immediately.

**Training:** This policy should be shared with all survey and certification staff, their managers, and the state/regional office training coordinator.

/s/  
Jeffrey L. Kang, MD, MPH

/s/  
Steven A. Pelovitz